

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**


UNITED STATES OF AMERICA)	
)	
)	Nos. 3:09-cr-00240; 3:11-cr-00117
v.)	
)	JUDGE CAMPBELL
)	
JERMAINE M. SMITH)	

ORDER

For the reasons set forth in the Memorandum and Order granting Defendant's request for resentencing in Case Nos. 3:17-cv-00650 and 3:17-cv-00651, the Judgment in Criminal Case No. 3:09-cr-00240 (Doc. Nos. 2934, 2935) and the Judgment in Criminal Case No. 3:11-cr-00117 (Doc. Nos. 56, 57) are **VACATED** and **SET ASIDE**, pending resentencing.

The Probation Office shall prepare a revised Presentence Investigation Report in light of the Court's determination in Case Nos. 3:17-cv-00650 and 3:17-cv-00651 that Defendant's convictions under 18 U.S.C. § 924(c) must be vacated. The parties shall have until June 5, 2020, in which to attempt to reach an agreement regarding the sentence to be imposed. If the parties are unable to reach an agreement regarding sentencing, they shall file sentencing positions on or before June 19, 2020, and the Court will set a date for resentencing. In addition, the parties shall state their positions on whether Defendant is required to be present for any re-sentencing. Should Defendant choose to waive his personal appearance for resentencing, the waiver should be made in writing and filed in the record.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE